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No 11

The great Necessity, and proper Methods,
of NATIONAL JUSTICE.

A
S E R M O N

Preach'd at *Kingslon* on *Thames*,

M A R C H 23d, 1721.

At the A S S I Z E S held there

Before the Honourable

Mr. Justice T R A C T.

By THOMAS STAMPER, A. M.

Lecturer of St. Bennet Fink, in London, &c.

Trinity Coll. Church.

Publish'd at the unanimous Request of Mr. High
Sheriff, and the Gentlemen of the Grand Jury.

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SE R M O N

Presented at King's Bench

March 23d, 1724

At the A s held there



By the Court

Mr Justice T R A C T

J. THOMAS STIMPET, A.M.

Attorney at Law in London

Went to the Court at 11 o'clock

and was called on by the Court

To the Worshipful

WIGHT WOOLLET, Esq;
High Sheriff of the County of Surry;

And the Honourable

WILLIAM FEILDING, Esq; Foreman.

AND

Thomas Lant, Esq;	John Adams, Esq;
James Plume, Esq;	Joseph Gascoigne, Esq;
Thomas Burrow, Esq;	Gilbert Heath, Gent.
Thomas Steavens, Esq;	William Lime, Gent.
William Vincent, Esq;	Richard Haws, Gent.
George Ballard, Esq;	Joseph Heaton, Gent.
Richard Clifton, Esq;	Thomas Engier, jun. Gent.
William Madgewick, Esq;	John Copeland, jun. Gent.
Samuel Wincopp, Esq;	John Claxton, Gent.
Murthwaite Ivett, Esq;	William Harvest, Gent.
John Palmer, Esq;	

GENTLEMEN,

JUSTICE being the Cry of the
whole Nation, and the particular
Occasion of your meeting at King-
ston, I need not, I presume, offer
any Apology for making it the Subject of a
Sermon before you.

But

DEDICATION.

But give me leave to hope that the Sermon it self, now coming from the Press, may be receiv'd with the same Candour, by you at least, as it was from the Pulpit.

An Assize Preacher comes before the Jury in the Nature of a Criminal, who when they call upon Him to print, do, as it were, find a Bill against Him, and put Him upon his Defence ; for the Press is no more than the Bar of the Publick, and whoever comes there, must expect a severe and critical Examination.

The following Discourse is now upon its Tryal, and must take its Fate, as others have done before it. Whatever it be, whether it meet with a heavy Censure, or none, (for the World is too Judicious to give it Approbation) the Author is sure to have this Comfort, That as his Enemies in censuring can do it no Injustice, so He in printing has done his Duty to his Friends, and therefore hopes he may have the favour to be thought,

GENTLEMEN,

Your most oblig'd,
and most obedient Servant,

Clapham, April,
1721.

Thomas Stamper.



I SAMUEL VII. 16.

And he went from Year to Year in Circuit to Bethel, and Gilgal, and Mizpeh, and judged Israel in all those Places.



It is obvious to all who are conversant in the *Bible*, that a better System of Morality has never been, or will be given to the World ; so true is that which St. *James* affirms of the Gospel, That it is a *perfect Law* : Wou'd to God we might live to see its Perfection, by conforming our Words and Actions

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to

to it, and that every Man walking by the Rule of Religion, we might all *lead quiet and peaceable Lives in all Godliness and Honesty.*

But the Case at present is very different: For Peace is as great a Stranger among Christians, as among the most rude and barbarous People, and the Quiet we enjoy seems more to proceed from a servile Dread of Human Authority, than from the generous Influence of Divine Command. For tho' it may be hoped, some are so wise, as with Holy *David*, to *have a Respect*, in whatsoever they do, to *God's Commandments*, yet it is to be feared, the wicked and far greater Part of Mankind, have no other Rule and Measure of Action, but their Lusts and Passions; and nothing is more certain, than that the Goodness of the few is much abus'd by the Ungodliness of the many. For to appeal no further, even this Solemnity, numerous as it is, may be said to consist of those who come to have Wrongs redrest, or are brought to suffer for doing wrong.

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It is well then there are Goals and Gibbets too for Theives and Murtherers ; but Oh how much better wou'd it be, they would *work with their Hands the Thing that is good, and do violence to no Man !* It is well there are Fines and Confinements also for Cheats and Impostors, but Oh how much better would it be, they would be true and just in all their Dealings, *that none go beyond or defraud his Brother in any Matter !* It is well Actions are laid, and Damages given for defamatory Scandals, but Oh how much better would it be, that *all Bitterness, and Wrath, and Anger, and Clamour, and evil Speaking, were put away from us, with all Malice !*

To hope for such a blessed Scene of Affairs, when all Men should in all Things conform to their Duty, and make the Will of God the Standard of their own, may justly be thought a vain Presumption, but surely it is not a Paradox to affirm, That if it had been thus in the Days of old, or were so in our Times, the World had been

much more happy than it is; Courts of Justice, and Engines of Terror, had then been superseded. We now had not met our Judges in Visitation, whom yet with Pleasure we meet, nor had Samuel found Cause to visit Israel, as we read in the Text.

He went from Year to Year in Circuit to Bethel, and Gilgal, and Mizpeh, and judged Israel in all those Places. From which Words we may draw some natural Observations.

First, That the Administration of Justice is necessary in all Countries for the same Reasons that Samuel judged Israel.

Secondly, That it should be administered with as much Dispatch as possible, *He therefore went from Year to Year in Circuit.*

Thirdly, With all Convenience to the Subject, *He went to Bethel, and Gilgal, and Mizpeh.*

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In all which Particulars I shall have some respect to our own Circumstances. And,

Lastly, Conclude with a practical Application.

To begin with the *First*, The Administration of Justice is necessary in all Countries for the same Reasons that *Samuel judged Israel*.

We no sooner read of a Man created than we read of his Fall; for of Three Precepts only given to *Adam*, (no less to their Shame than our Sorrow be it spoken) One was broken by Him and his Wife, who, as they became Criminals, suffer'd for their Crime; so that *Paradise* was not only a Garden of Pleasure, but a Seat of Justice. *God* himself administred to Them, and as He pronounced the Sentence of Death upon the Offenders, so in consequence of their Offence, He drove them out from their native Habitation.

After

After the Flood, the World being, as it were, created a new, G O D was pleas'd to give a new System of Laws, and, (as the Authors of ancient History have inform'd us,) Seven Precepts were deliver'd to *Noah*; but whether that Number had any respect to the Seven Persons who were with him in the Ark, may deservedly be question'd.

As Men were afterwards multiplied in the Earth, it was found convenient to multiply Laws; and the Number of Precepts given to *Abraham* (if any Faith may be given to Tradition) amounted to Ten; and in that Decalogue, the first and great Command was Circumcision.

These, as the Jewish Rabbins have affirm'd, were, in the Time of *Moses*, increas'd to Six Hundred and Thirteen; but whether the Addition of so many Laws may be thought an Honour to that Institution, or rather a Proof of that Peoples Corruption, I shall leave to the Criticks to determine.

It

It is certain however, that as Laws were promulg'd, a Power was lodg'd in the Promulgators to punish all that should transgress them ; they were not given as Matters of Form, or useless Speculation, but as Rules and Measures for the Conduct of Life, in the Observation of which, Men were sure to meet with Pleasure and Praise, in the Violation of which, they were taught to expect Disgrace and Punishment. For, tho' it be allow'd that the penal Sanction of a Law is not of the Nature and Essence of that Law, yet it cannot be denied, that whenever Statutes have been given to a Nation by Men, or by G O D, a Penalty has been annex'd to them, and Authority vested in proper Persons to put that Penalty in Execution.

Thus it has been, and thus it must be in all Times and Places ; for how can it be thought, that in a corrupt World any Law should be observ'd that is not Penal, or indeed any that is, if not duly executed. There must therefore

fore be had some Recourse to Justice, to punish and silence evil Doers, to praise and reward them that do well, and to determine the Limits of Right and Wrong ; for Laws will be broken be they never so good, either from the Ignorance or Vices of Mankind.

For tho' Man, when compar'd with inferior Beings, who know not their Creator, nor the End of their Creation, be indeed a wise and understanding Creature ; yet St. Paul tells us, Human Knowledge is but partial, and we must all be content with Holy David, in many Things, *to be foolish and ignorant, even as it were a Beast.* And as all have not the same Capacities, nor the same Opportunities of improving those they have, it will unavoidably happen, that many Men's Actions will be faulty and irregular for want of sufficient Sense and Judgment to direct them right. The wisest and best will be sometimes at a Loss, for Nature, the most inimitable Artist, has drawn the Lines between Virtue and Vice exquisitely fine ; Men
are

are therefore led into Errors unawares, and for want of Knowledge as well as Grace, betray'd into vile and wicked Actions; so that thro' Ignorance as well as Corruption, we may say with *St. Paul, what we wou'd not, that we do.*

But if human Knowledge were yet more perfect, so as to make a true Judgment of Things, such is the Force and Byass of Nature, such the Art and Cunning of the Devil, we should all be guilty of many and great Sins; Vice will prevail over Judgment and Grace, and as we have copied our Forefathers Faults, so all Posterity will imitate Ours; for it is not in Man to be good and innocent. It has been observed of other Creatures, they all obey the Laws of their Creation, the Beasts of the Field, and the Fowls of the Air, live up to the Rules which God has set them; *Fire and Hail, Snow and Vapours, Wind and Storm, fulfill his Word.* But Man, Man the only Creature able to distinguish Good from Evil, the only Creature endued
C with

with Freedom of Will, and Liberty of Action, the only Creature liable to account for his Behaviour; is the only perverse disobedient Creature. Nothing has been sufficient to keep him to his Duty, but tho' even the wild and savage Beasts are tam'd by Discipline, tho' *the Horse and Mule which have no Understanding* are kept to good Order, neither Frowns or Favours, Threats or Promises, have subdu'd the masterless Will of Man.

How then should Peace and Order be preserv'd, but by the Power and Virtue of good Laws, and the Care of good Men to see those Laws duly executed?

This was the happy Case of the old *Israelites*; they had excellent Laws of God's Appointment, and them administer'd by excellent Men.

And (give me leave to congratulate our selves and fellow Subjects) this is the happy Case of our *Israel*; we too have Laws, tho' of human Appointment, prudently fram'd, and we have our *Samuels*
dispensing

dispensing those Laws in a prudent Method. What wonder if other Nations complain of their Laws, which are built upon absolute arbitrary Power? for Statutes will be such as the Temper of their Makers; weak Men will make silly Laws; rash Men dangerous; Tyrants cruel ones; wise and good Men only will make necessary and just Laws. But it is the peculiar Happiness of *Britons*, that our Statute Books are not to be made or alter'd as the Caprice or Humour of a Prince shall direct; the Wisdom of the People gives a Form and Shape to every Law, and the Authority of the Prince is only concern'd to give 'em Life and Existence. And if we consider the great Qualifications required by Law in those who dispense the Laws to us, with what Experience and Abilities they ascend the Seat of Judgment, we have Reason to think our selves no less happy in the Administrators, than in the Laws by which they administer Justice; so that upon the whole, it may be affirm'd,

to our Honour and Comfort, That *no Nation under Heaven hath Statutes and Judges like this People.*

I come therefore to the *Second Observation* from the Text, That Justice should be administer'd with as much Dispatch as possible, *He went from Tear to Tear in Circuit.*

Human Affairs are of such a Nature they will not admit of long Delays, and tho' a Miscarriage will sometimes happen from great Precipitation, most Things require a reasonable Dispatch; that alone is a Check to the Uncertainty of Things, for a lost Opportunity is hardly to be regain'd, and, as Cicero affirms, 'tis the Part of a weak Man to say, *Who cou'd have thought it?*

If then in private Matters Dispatch be so useful, how much more in Things of a publick Nature, above all, how necessary in the Administration of legal Justice? for the Benefit of good Laws is in a great Measure lost when they are
not

not executed with convenient Speed. Nothing gives more Encouragement to Offenders, than that the Day of Punishment is a great way off. The Passions of Men are but little affected by Things at a Distance ; as the Object stands, so it makes the Impression, and appears to the Mind as well as the Eye more lovely or dreadful according to its near or distant Position. This may be prov'd by the Conduct of Men ; who knows not that GOD is a terrible Judge, yet how many act as tho' they knew it not, because they hope, by a timely Reformation, to avoid his Judgment ? Thus his Forbearance and Long-suffering, great Inducements to Virtue, are made the Supports of Vice and Impenitence ; for the Wise Man observes, *because Judgment against an evil Work is not executed speedily, therefore the Heart of the Sons of Men is fully set in them to do Evil.* And if it be so with respect to GOD, whose Judgments are most inevitable and severe, how much more will it prevail in regard to Human Laws,

Laws, where the Punishment is more easy, and much more uncertain ?

There is however this Difference between Human Proceedings and Divine, that G O D is not bound to call Sinners to an Account at the Commission of their Crimes, whilst earthly Powers can hardly punish Criminals with too much Expedition. They have double Cause to put their Laws in present Force, to praise the good Subject, and punish the bad, because 'tis the only Means of supporting their Authority, and because their Authority is confin'd to this Life. But as G O D has the Power over both Worlds, *that which now is, and that which is to come*, he may safely defer the Execution of his Judgments, till he has try'd the Effects of his Mercy and Goodness. This Princes cannot do; for humanly speaking, there is no way left to civilize the World, and stop the Torrent of Vice and Immorality, but to bring wicked Men to speedy Justice, by which, if possible, *they may be reform'd, and others admonish'd*

nish'd by their Example may be the more afraid to offend. If then *David* sentenc'd the *Amalekite*, who confest himself the Instrument of *Saul's* Death, to immediate Execution, let it not be thought an Act of Cruelty, but of Discretion, somewhat severe with respect to the Person, but highly necessary for a publick Example.

The same Argument holds for the Dispatch of Justice, as well in civil as criminal Cases; for he that is kept from his Right and Property by the Delays of a Court, is, for the Time, as much injur'd as if there was none. In many such Cases, it is a less Hardship to recede from ones own, than to defend it, and a Point of Wisdom, as well as Duty, to part with a Coat, rather than at the Expence of Time and Trouble to recover the Cloak.

To prevent the Mischiefs of such injurious Delays, *Samuel* undertook his annual Visitation, *He went from Tear to Tear in Circuit*; And what more could be expected from one who had the sole
Admi-

Administration of Affairs, and that over
a great and mighty People?

If we *Britons* have more Dispensers
 of Justice, and more frequent Returns
 of it, we have reason to boast a more
 happy Constitution ; no Body fears the
 Presence of a Judge, but he that carries
 an Accuser within himself. Parents
 must instill the Principles of Religion
 into their Children with Industry and
 Care ; and Preachers may declaim
 against Vice and Vanity with Elo-
 quence and Authority ; but still it will
 be owing to this Dispensation of our
 Laws, that every Man's Property is not
 confounded, and that, as the Apostle
 complains of the *Galatians*, *We do not*
bite and devour one another, Every Man
 therefore that loves his Country and its
 Constitution, may wish in a double
 Sense, *Currat Lex*, may the Law have
 its Course, and that Course be taken
 with as much Expedition as the Nature
 of Things and the Necessities of Go-
 vernment will admit.

And

And so let us pass to the *Third Observation*, That Justice should be administred with all Convenience to the Subject, *He went to Bethel, and Gilgal, and Mizpeh.*

The Ease and Convenience of any Matter, is a powerful Motive to the Doer, and a great Recommendation of the Thing done ; Men are often discouraged from useful Undertakings by the Difficulties that attend them, and apt to fold their Arms with the Sluggard in the Proverbs, because they foresee a *Lion in the Way.*

Now in Things of a publick Nature, where the Good of the whole is chiefly concern'd, the Convenience of the whole should principally be sought ; all Considerations of a middle Nature should be thrown out of the Question, and nothing determin'd but for the common Good.

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One great Advantage that belongs to the strict Execution of Justice, is to have it at hand, not to be sought for at great Expence, or much Fatigue; whenever it is attended with these Difficulties, it becomes so much the less Useful, and upon some Accounts, a Burden, rather than a Relief; for little Injuries must then be born with Patience, when the Redress of them is attended with greater. Few will apply to a Court of Justice, when all must be Sufferers; For who wou'd play at a Game, where he is sure to lose, even with Fortune on his Side? It may perhaps be thought the Facility of having Causes determin'd, may be a Means to multiply Causes, make Men more litigious than otherwise they would be, and more unwilling to make up Differences. If it be so in Fact, it must be so without Remedy; and this little Inconvenience of having Justice with ease, must ever be prefer'd to the many more and much greater Inconveniences of having

ving none. For what cou'd suppress the Insolence and Inhumanity of wicked Men, when they found the Practice of Evil more easy to themselves, than the Prosecution of it to others? They wou'd then boast of a Security in Vice, and act as much without Mercy as against Law; nay, it is to be fear'd all must be wicked in their own Defence, and so a State of Nature, that is, of Confusion, would necessarily ensue, and because the Sword of Justice could not be had, as it once fell out with the Sons of Midian, *every Man's Sword would be against his Fellow.*

If therefore *Samuel* dwelt at *Ramah*, and daily administred Justice to the People; for the Context tells us, there was his House, and there he judged *Israel*: yet he found it expedient to make a yearly Progress, and dispense Equity in other Parts of his Dominion, not for his private Pleasure or Curiosity, but for the Ease and Convenience of All.

In Imitation of that good and laudable Custom, we are at this time visited by our Judges ; and what greater Privilege can a People enjoy, than for Justice to condescend to come to our Homes, and have our Wrongs redress'd not only uprightly, but thus conveniently, even at our Doors ? Were it not so ordain'd, were our Courts of Justice, like the Jewish Feasts, to be held only in our Metropolis, Injustice would be almost establish'd by Law, the longest Arm would be the Measure of Right, and the Poor, who are chiefly subject to Oppressions, would have the least or no Opportunities of Redress ; but *the Law is open, and there are Deputies for all.*

I shall now proceed to offer a Practical Application, and so conclude.

And First, If the strict Dispensation of Justice and Equity be essential to Kingdoms, to maintain Authority in Governors,

vernors, and Peace among Men, it is incumbent upon all so to order their Lives and Conversations, as becomes Human Laws, and the Gospel of Christ. *If thou do Evil*, says the Apostle, *be afraid*, but rather so be afraid, as to do none. 'Tis the Part of every Man, and bodies of Men, to bring Offenders to Justice; who then shall presume upon Impunity, and when he is conscious of Guilt, say with the Scoffer, *There shall no harm happen unto me?* If Justice be blind, yet still she has Wings, and sooner or later, will overtake the Criminal; let not that Man think he shall receive any thing of the Lord, but Judgment without Mercy, who does Evil in such a Manner as to escape human Judgment. The only way to avoid the Sword of Justice, is to weigh all our Actions in her Scales: If they are thus balanced, they will stand the Test of the severest Tryal. And when we do well, if we receive no Praise from the publick Magistrate, we shall be sure
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to gain Applause from an inward Judge, and at length a Reward from a Righteous God.

But *Secondly*, and *Lastly*, Since Justice is administred in this our Kingdom in such an excellent Method, we have reason to love and support that Constitution by which it subsists. Happy, thrice happy *Britons*; were our Happiness known even to our selves, as it is admired and envy'd by other Nations! *Jethro*, tho' a Heathen, rejoyc'd for all the Goodness God had done to *Israel*, How much more shall we rejoyce who have a purer Religion, and better Laws? Let us set a just Value upon these uncommon Blessings, and suffer not those Enemies to triumph over us, who can do it no otherwise, than at the Expence of our Religion and Liberties. *Awake and stand up* in defence of your Faith, *all ye that are true hearted*; make Atheists and Romanists know assuredly, That we will
 23 serve

serve the LORD, for He is our God,
and that we will do it after the Manner
of our Fathers. Thus Shame and Con-
fusion shall be to all those who have
evil Will at our Zion ; but to such as
delight in our Salvation, who labour for
the Good, and pray for the Peace of our
Jerusalem, shall Love, and Joy, and Peace
be multiplied, through Jesus Christ our
Lord.

To whom with the Father, &c.

F I N I S.



...the Lord, for He is our God,
and therefore will do it after the manner
of our Father. This same and con-
stant shall be to all those who have
call it at our King; but to such as
believe in our Salvation, who labour for
the Good, and pray for the Peace of
Jerusalem, shall love, and for ever
be multiplied, through Jesus Christ our
Lord.

To whom with the Father, &c.



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